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SUBJECT: MOJ VICE MINISTER TELLS A/S LOWENKRON
GVN TO ABOLISH ADMINISTRATIVE PUNISHMENT DECREE

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Summary

1. (SBU) On October 19, Ministry of Justice Vice Minister Hoang The Lien told Assistant Secretary for Democracy, Human Rights and Labor Barry Lowenkron that a "political decision" has been made to abolish Administrative Decree 31 (which authorizes officials to impose punishments without due process). Official repeal is now a procedural matter. The Assistant Secretary urged the GVN to rescind the decree before APEC to ensure maximum global attention. The Vice Minister stated that passing Permanent Normal Trading Relations and rescinding Vietnam's Country of Particular Concern (CPC) designation would advance relations. He noted that many Protestant house churches in northern Vietnam have "chosen not to register." The Ambassador pointed out that over 500 Protestant congregations have expressed an interest in registering and that now is the time for the GVN to act. Lien said the GVN welcomes USG assistance in moving from rule "by administrative procedures" to rule by law. End Summary.

Decree 31

2. (SBU) On October 19, Assistant Secretary for Democracy, Human Rights and Labor Barry Lowenkron, accompanied by the Ambassador, met Ministry of Justice (MOJ) Vice Minister Hoang The Lien. The Vice Minister informed A/S Lowenkron that the GVN has decided to abolish Administrative Decree 31. (Note: In the past, the GVN has systematically invoked Decree 31 to arrest dissidents whom it says threaten national security. Abolition of the decree had been one of the key issues on the agenda of the US-Vietnam formal human rights dialogue which resumed after a four year hiatus on February 2006. End note.) Lien said a "political decision" has been made to repeal the decree because Vietnam is secure and stable and because "public opinion" demands this.

3. (SBU) Formally abolishing the decree is now a procedural matter, Lien continued. The Office of the Government (the Prime Minister's office) has transmitted its "recommendation" to the National Assembly's Standing Committee (NASC) that the Decree be repealed. The NASC must now remove clauses on Decree 31 found in the NASC's ordinance on administrative probation for the decree to cease to exist as a law, Lien said. (Note: The NASC passes most GVN legislation as ordinances. However, these laws are not enforceable until the GVN issues implementing decrees, such as Decree 31, for the ordinances. In effect, the revocation procedure reverses this process. End note.)

PNTR, CPC and Protestant House Churches

¶4. (SBU) The Vice Minister told A/S Lowenkron that passage of Permanent Normal Trading Relations (PNTR) legislation and rescinding the Country of Particular (CPC) designation would advance U.S.-Vietnam relations. In addition, the GVN looks forward to continued discussions on human rights so "U.S. citizens can gain the correct understanding of the situation in Vietnam," he said. The A/S pointed out that PNTR and the Country of Particular Concern (CPC) designation are not linked. The Department is doing all it can on PNTR, but its passage lies with Congress, A/S Lowenkron added.

¶5. (SBU) Lien said that the number of Protestants in northern Vietnam and the Northwest Highlands has grown considerably over the past decade and that the GVN issued regulations to facilitate Protestant house church registration. "Vietnamese citizens are guaranteed the right to practice their religious beliefs. It is up to the churches to register. So far, only 20 churches have chosen to do this," the Vice Minister said. The USG is evaluating how many Protestant churches the GVN has registered in the northwest, the Assistant Secretary replied. He reminded the Vice Minister that, if the GVN demonstrates a commitment to increase the number registered in the north to around 100 Protestant congregations, the two sides could resolve the CPC issue amicably and "put it behind us." When Lien claimed that all that was needed was for the congregations to actually signal their desire to register, the Ambassador pointed out that, of the more than 1,000 house churches in northern Vietnam, over 500 have submitted their applications to register with local authorities and that now is the time for the GVN to act.

Inching Toward Rule by Law

¶6. (SBU) Lien warmly received the Assistant Secretary's offer of USG programmatic assistance in reforming Vietnam's criminal and civil procedure codes. Hanoi is revising the code to meet the demands of international economic integration. In the past, the GVN dealt with

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IPR violations "through administrative procedures, but now we need to deal with them in court," the Vice Minister added.

¶7. (SBU) Lien highlighted the fact that the MOJ is not responsible for prosecution of defendants. On the contrary, the MOJ's most important function is to help the GVN to develop the nation's legal system and take part in the crafting of laws by other ministries. The MOJ also takes the lead in disseminating information and educating people about laws. In addition, the ministry trains legal examiners, lawyers and judges and sets up networks of legal services, the VM added.

¶8. (SBU) Assistant Secretary Lowenkron has cleared this message.

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